

REMARKS

This is intended as a full and complete Response to the Office Action dated February 19, 2003, having a shortened statutory period for response set to expire on May 19, 2003. Claims 9-33 are presently pending in the application. Claims 9-33 are rejected. The specification has been amended. Claims 9, 16, 22 and 28 have been amended. Support for the amendments can be found at pages 13 and 14 of the specification. A marked-up version of the amended paragraph is provided in Appendix A. A marked-up version of the amended claims is provided in Appendix B. A clean version of all pending claims is provided in Appendix C for Examiner's convenience.

Rejection under 35 U.S.C. § 112

Claims 9-33 are rejected under 35 U.S.C. § 112, first paragraph. According to the Examiner:

Applicant has amended claim 9 and added new independent claims 16, 22 and 28, all of which now state that the "polyolefin precursor/filler blend" is combined with "an additive in its solid state from a group consisting of ...". When contacted by the examiner to show support in the specification for this feature, the applicant pointed to the table on page 14 of the specification, stating that the Melt Flow Indexes listed in that table were representative of materials in their solid state. While this may be true, the specification still fails to state that these materials, when combined as an additive as in the claims, are actually in a solid state.

Applicants respond as follows:

Without acquiescing to the propriety of the rejection and solely in an effort to further prosecution, Applicants have amended the subject claims to specify the melt flow index range of the claimed additives. Furthermore, Applicants have amended the specification to clarify that melt flow index is measured according to industry standard. Support for the amendments can be found in the specification at pages 13-14.

CONCLUSION

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the claimed invention. Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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APPENDIX A**Marked-Up Version of Amended Paragraph**

It was also found that the addition of small amounts of low density polyethylene to the polyolefin/filler blend allows film extrusion at higher throughput levels. Low density polyethylene with a Melt Flow Index, as measured using ASTM D1238, of about 0.9 to 25.0 grams per ten minutes (being preferred), and a density of about 0.900 to 0.930 may be used.

APPENDIX B**Marked-Up Version of Amended Claims**

9. (Amended) A method of making a microporous breathable film comprising the steps of:
- selecting a film forming a polyolefin precursor, said polyolefin precursor having polypropylene as a majority component;
- blending said film forming polyolefin precursor with a filler which is a rigid material having a low affinity for the polyolefin precursor and a lower elasticity than the polyolefin precursor, and having a non-smooth hydrophobic surface such that the filler is about 30% to about 70% of the combined weight of the filler and the polyolefin precursor;
- combining said polyolefin precursor/filler blend with an additive [in its solid state] selected from a group including a plastomer, an elastomer, a styrenic block copolymer or a combination thereof, wherein said additive has a melt flow index ranging from about 0.8 to about 40 g/10 minutes; and
- stretching the combination of said blended polyolefin/filler blend with an additive to form a microporous breathable film having a dart impact strength in the range of from about 100 to about 300 grams,
- wherein said film has a WVTR in the range of from about 100 to about 10,000 g/m²/24 hr, and wherein said film has an MD or TD elongation in the range of from about 150% to about 550%.

16. (Amended) A method of making a microporous breathable film comprising the steps of:
- selecting a film forming a polyolefin precursor, said polyolefin precursor having polypropylene as a majority component;
- blending said film forming polyolefin precursor with a filler which is a rigid material having a low affinity for the polyolefin precursor and a lower elasticity than the polyolefin precursor, and having a non-smooth hydrophobic surface such that the filler is about 30% to about 70% of the combined weight of the filler and the polyolefin precursor;
- combining said polyolefin precursor/filler blend with an additive [in its solid state] selected from a group including a plastomer, an elastomer, a styrenic block copolymer or a

combination thereof, wherein said additive has a melt flow index ranging from about 0.8 to about 40 g/10 minutes; and

stretching the combination of said blended polyolefin/filler blend and said additive to form a microporous breathable film having a dart impact strength greater than about 210 grams; and

wherein said film has a WVTR in the range of from about 100 to about 10,000 g/m²/24 hr.

22. (Amended) A method of making a microporous breathable film comprising the steps of:

selecting a film forming a polyolefin precursor, said polyolefin precursor

having polypropylene as a majority component;

blending said film forming polyolefin precursor with a filler which is a rigid material having a low affinity for the polyolefin precursor and a lower elasticity than the polyolefin precursor, and having a non-smooth hydrophobic surface such that the filler is about 30% to about 70% of the combined weight of the filler and the polyolefin precursor;

combining said polyolefin precursor/filler blend with an additive [in its solid state] selected from a group including a plastomer, an elastomer, a styrenic block copolymer or a combination thereof, wherein said additive has a melt flow index ranging from about 0.8 to about 40 g/10 minutes; and

wherein said film has a WVTR greater than 1000 g/m²/24 hr; and

wherein said film has an MD or TD elongation in the range of from about 150% to about 550%.

28. (Amended) A method of making a microporous breathable film comprising the steps of:

selecting a film forming a polyolefin precursor, said polyolefin precursor

having polypropylene as a majority component;

blending said film forming polyolefin precursor with a filler which is a rigid material having a low affinity for the polyolefin precursor and a lower elasticity than the polyolefin precursor, and having a non-smooth hydrophobic surface such that the filler is about 30% to about 70% of the combined weight of the filler and the polyolefin precursor;

combining said polyolefin precursor/filler blend with an additive [in this solid state] selected from a group including a plastomer, an elastomer, a styrenic block copolymer or a combination thereof, wherein said additive has a melt flow index ranging from about 0.8 to about 40 g/10 minutes; and

wherein said film has an MD or TD elongation in the range from about 150% to about 550%; and

stretching the combination of said blended polyolefin/filler blend

with an additive to form a microporous breathable film having a dart impact strength in the range of from about 100 to about 300 grams.